THE HONOURABLE SRI JUSTICE C.Y.SOMAYAJULU

W.P.No.2285 OF 1996

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Dated 1st August, 2005.

Between:-

1. T.Adinarayana, aged about 35 years,
2. T.Ram Murthy, aged about 37 years,

S/o Nanjundayya, Archakas, Rendering

Archakatvam Service, r/o Gattu village,

B.KothakotaMandalam, Chittoor District. …Petitioners

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1. The Assistant Commissioner, Endowments,

Chittoor and another. …Respondents

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ORDER:

1. Alleging that they are the hereditary archakas of the 2nd respondent temple covered by Section 6© of the A.P. Charitable and Hindu Religious Institutions Endowments Act, 1987 and that they have been in possession of the land in lieu of their remuneration, petitioner filed this petition questioning the notice proposing to auction the lease hold rights in the land said to be in their possession, contending

that until and unless their remuneration is fixed, they cannot be dispossessed from those lands.

2. Learned counsel for the petitioners placing reliance on ***A.S.Narayana Deekshitulu Vs. State of Andhra Pradesh*** and Circular of Commissioner of Endowments in Rc.No.18 in Rc.No.N2/11429/2002,dated24-10-2003 and G.O.Rt.No.1103/Rev (E-1) Department, dated 20-6-2002 contended that till remuneration payable to the petitioners is fixed respondents cannot put the lease right of the lands in possession of the petitioner to auction.

3. The contention of the learned Standing Counsel appearing on behalf of the 2nd respondent Devastanam is that petitioners are not the hereditary archakas, and were appointed as archakas for the first time in the year 1972 and that in fact one of the temples is in a dilapidated condition and that the other temple was restructured recently and some of the lands belonging to the temple were leased out to third parties and so petitioners are not entitled to the benefit of either the ratio in ***A.S.Narayana Deekshitulu's*** case (I supra) or to G.Os of the Commissioner since they are in possession of the lands of the temple only by virtue of the interim order granted by this Court.

4. When 2nd respondent specifically denied the allegation of the petitioners about their being the hereditary archakas, and when it is specifically contended that the Trust Board authorized them to perform the services as archakas with the help of a qualified archakas in 1972 only, no reply affidavit is filed on behalf of the petitioners disputing those facts. Significantly petitioners did not produce any document to show that their ancesters were rendering archakatvam services in any of the temples. Therefore, till petitioners establish that they were the hereditary archakas, they would not be entitled to the benefit of the ratio in ***A.S.Narayana Deekshitulu's*** case (1 supra).

5. The writ petitioner is of the year 1996. The G.O. of the Commissioner relied on by the learned counsel for petitioners is dated 24-10-2003. The auction notified was stayed by virtue of the orders of this Court. Had the auction not been stayed by this Court petitioners would not have continued in possession of the land, of the Devastanam by 24-10-2003. Therefore, they are not entitled to the benefit of the G.O. of the Commissioner of Endowments relied on by the learned counsel for the petitioner.

6. Only if they are able to establish, by taking recourse to such proceedings as they deem it fit to choose, that they are the descendants of the hereditary archakas of the 2nd respondent temple and were rendering archakatvam in the temples even by the date of coming into force of A.P. Charitable and Hindu Religious Institutions Endowments Act, 1987, can the petitioners be given the benefit of the ratio in ***A.S.Narayana Deekshitulu's*** case (1 supra), but not in this petition. Hence, petitioners are not entitled for any relief in this petition.

7. Hence, this writ petition is dismissed. No order as to costs.

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C.Y.Somayajulu, J.

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